

REGULATION FILING AND PUBLICATION

1. Regulation Chapter Number and Heading:

520 ~~C.M.R.CMR~~ 6.00

2. Name of Agency:

Department of Public Safety

3. This document is reprinted from the Code of Massachusetts Regulations and contains the following:

520 ~~C.M.R.CMR~~ 6.01 ~~General P~~rovisions, ~~scope~~Scope, ~~definitions~~Definitions, ~~standards~~Standards ~~adopted~~Adopted

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520 ~~C.M.R.CMR~~ 6.02 ~~General Administrative Provisions, i~~ncluding ~~r~~Requirements for ~~l~~icensure, ~~a~~Apprentice ~~l~~icenses, and ~~r~~Renewals.

520 ~~C.M.R.CMR~~ 6.03 ~~Issuance of Temporary Permits to Rent and Operate Operate Rented Compact Hoisting Machinery; Short-Term Rentals; Requirements for Applicants and Permit Issuers~~

~~520 C.M.R. 6.04 Training by Rental Companies: This section shall apply to rental companies issuing temporary permits as defined in 520 CMR 6.03.~~

~~520 C.M.R. 6.05 Renewals~~

520 ~~C.M.R.CMR~~ 6.0604 ~~Continuing E~~ducation and ~~training~~Training ~~F~~acilities; ~~license renewal; requirements; expiration~~

~~520 C.M.R.CMR 6.0705~~ ~~-Apprentice Licenses~~

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520 ~~C.M.R.CMR~~ 6.0806 ~~Exempt Companies~~Entities; ~~Company Licenses~~ Exemptions for Licensing Requirements, Pursuant to ~~M.G.L.M.G.L. c. 146, Section 53~~

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520 ~~C.M.R.CMR~~ 6.0907 ~~In-Service Training Program for Exempt Entities~~Companies

520 ~~C.M.R.~~CMR 6.4008 ~~Operating Procedures for Hoisting Machinery~~Operating Procedures

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520 ~~C.M.R.~~CMR 6.4409 ~~Special Requirements for cranes, derricks, pile drivers, excavating machines, fork lifts, and hoists~~Cranes, Derricks, Pile drivers, Drivers, excavating Machines, Fork Lifts, and Hoists

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~~520 CMR 6.10~~ Classification of Licenses; Qualifications

520 ~~C.M.R.~~CMR 6.42110 ~~Operation of Hoisting Machinery; Accident Reporting~~Special Requirements for All Operation of Hoisting Machinery; Accident Reporting

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520 ~~C.M.R.~~CMR 6.43124 ~~Suspension, Revocation, and Appeals of Licensing, Certification, and Temporary Permitting~~License Suspension, Revocation, Appeals

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520 ~~C.M.R.~~CMR 6.441213 ~~Variance Procedure~~Variance Procedure

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Under the provisions of Massachusetts General Laws, Chapter 30A, Section 6 and Chapter 233, Section 75, this document shall not be used as evidence of the original documents on file with the State Secretary.

520 CMR 6.00: HOISTING MACHINERY

6.01: ~~General Provisions, Scope, Definitions, Standards Adopted~~General provisions, scope, definitions, standards adopted

(1) ~~Scope.~~

520 CMR 6.00 is promulgated by the Department of Public Safety pursuant to authority granted by ~~M.G.L.~~M.G.L. c. 146, §53. The purpose of 520 CMR 6.00 is to establish reasonable requirements to protect the public safety of the citizens of the Commonwealth from the hazards inherent in the operation of ~~h~~hoisting ~~equipment~~Machinery by establishing the minimum standards necessary to obtain a ~~h~~hoisting ~~m~~machinery operator's ~~h~~hoisting ~~l~~license or ~~t~~temporary ~~p~~permit and the minimum safety standards to be followed during the operation of ~~h~~hoisting ~~m~~machinery. 520 CMR 6.00 shall apply to:

(a) ~~Hoisting m~~hoisting ~~m~~machinery as defined in 520 CMR 6.01 that is used on private or public property for the erection, construction, alteration, demolition, repair or maintenance of buildings, structures, bridges, highways, roadways, dams, tunnels, sewers, underground buildings or structures, underground pipelines or ducts and all other construction projects or facilities or other uses on private or public grounds including the warehousing and movement of materials, except when being used exclusively for agriculture purposes.

~~(b) Hoisting m~~hoisting ~~m~~machinery that has the minimum capability of hoisting the load higher than ten feet or that has the capability of lifting loads greater than 500 pounds or if the capacity of the bucket may exceeds 1/4 cubic yard capacity.

~~(c) Hoisting m~~hoisting ~~m~~machinery including derricks, cableways, machinery used for discharging ~~c~~cargoes, temporary elevator cars used on excavation work or machinery used for hoisting building material where the motive power to operate such machinery is mechanical and other than steam, including but not limited to excavators, backhoes, front end loaders, uni-loaders, skid loader, skid steer loaders, compact loaders or similar devices, lattice cranes, derricks, cranes with or without wire rope telescoping booms with cables, equipment with telescoping booms without cables, all ~~f~~fork ~~l~~lifts that have the ability of exceeding any of the criteria listed in 520 CMR 6.01 (1)(b), overhead bridge cranes, electric or air driven hoists, pendant controlled hoists with a rating of 2 ton capacity or greater, specialty equipment as categorized by ~~l~~license grade in this regulation.

(2) ~~Definitions.~~

The following words and terms, when used in ~~524-520~~520 CMR 6.00 shall have the following meanings unless the context clearly indicates otherwise or the term is redefined for a specific section or purpose:

ANSI. American National Standards Institute.

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Apprentice License. A ~~certification document~~ issued by the Department upon proof of registration at a ~~tTraining fFacility~~ and with the Division of Apprentice Training within the Department of Labor ~~Standards, and Workforce Development~~ which enables the holder to operate ~~hHoisting mMachinery~~ under the direct guidance and supervision of a duly licensed person licensed to operate the category of ~~hHoisting mMachinery~~ for which ~~certification documentation~~ is issued.

Apprentice Licensee. A ~~person person~~, who is at least 18 years of age, holds a valid driver's license, is registered with the Department of ~~Labor Labor Standards and Workforce Development~~, and has obtained an Apprentice License to operate ~~hHoisting mMachinery~~ while under the direct guidance and supervision of a duly licensed person.

ASME. American Society of Mechanical Engineers.

Cargo. A load, quantity, or volume that can be processed or transported. ~~at one time.~~

CCO. Certificate of Crane Operation issued by a ~~nationally accredited National Commission for the Certification of Crane Operators accredited~~ practical examiner following the satisfactory completion of a written and practical exam.

Certificate of Approval for Continuing Education Program:

Certificate of Approval for In-Service Training Program:

Certificate of Completion. A uniform certificate issued by a ~~tTraining fFacility~~ to a Licensee upon the satisfactory completion of a continuing education curriculum.

Chief. The Chief of Inspections – Mechanical of the Department of Public Safety.

Commissioner. The Commissioner of the Department of Public Safety.

Compact Hoisting Machinery. Hoisting ~~mMachinery~~ with a gross vehicle weight not exceeding 10,000 pounds, ~~excluding Class 1, Class 3, and Class 4 Hoisting Machinery as listed in 520 CMR 6.10. Hoisting Machinery operated under a Temporary Permit shall not exceed a gross vehicle weight 8,000 pounds.~~

Company License. ~~A License issued by an Exempt Company that has a Department approved In-Service Training program and which is only valid for Hoisting Machinery used on Company Property, excluding excavating equipment. A License issued by a company that has a Department approved in-Service Training program and which is only valid for hoisting on company property, and excluding excavating equipment.~~

Company Property: ~~Property which is owned or under the care and control of a tenant company under a lease or rental agreement. No operation shall occur on any public or a private way, excluding Company Property.~~

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Competent Person. One who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate such conditions.

Department. The Department of Public Safety.

DAT. The Division of Apprentice Training.

~~Direct Guidance. In device instruction and observation of apprentice licensees provided under the supervision of a duly licensed individual engaged in the education of apprentice licensees on the operation of hoisting machinery.~~

DOT. The United States Department of Transportation.

Emergency Procedure. Actions required to be taken ~~during urgent situations when imminent danger may occur~~ to prevent damage to life, or property, or to ensure public safety.

~~Excavating Equipment.~~

~~Exempt Companies. Companies that are exempt by statute from licensing and permitting requirements provided they meet the provisions of 520 CMR 6.06, including:~~

~~Public Utility Companies: Public utility companies which have self-propelled truck mounted cranes, derricks and similar hoisting equipmentMachinery which is used for the maintenance and construction of the utility company's own equipment.~~

~~Companies Operating Solely on Company Property: A company, including rental companies, which operates hoisting equipmentMachinery specifically limited to industrial lift trucks, fork lifts, overhead cranes and other hoisting equipmentMachinery specifically authorized by the Department and used exclusively on company property.~~

~~Companies Operating Solely on Public Utility Property: Any company which has equipment such as cranes, derricks and similar hoisting Machinery equipment used solely on utility company property.~~

Fork Lift. Any mobile power-propelled truck used to carry, push, pull, lift, stack or tier materials. Earth moving and over the road haulage trucks are not included in the definition. Equipment that was designed to move earth but has been modified to accept forks are also not included. A power driven truck characterized by prongs projecting from the vehicle's front that enable the vehicle to lift, travel and stack cargo at a height. May also be referred to as a forklift truck, fork truck, or power industrial truck.

Hoisting Equipment. See "Hoisting Machinery."

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Hoisting Machinery. Derricks, cableways, machinery used for discharging Cargoes, and temporary elevator cars when the motive power to operate such machinery is mechanical and other than steam, including but not limited to excavators, backhoes, front end loaders, unloaders, skid loader, skid steer loaders, compact loaders or similar devices, lattice cranes, derricks, cranes with or without wire rope; all Fork Lifts, powered industrial lift trucks, overhead hoists (underhung), overhead cranes, underhung cranes, monorail cranes, lifting devices, cableways, powered platforms and any other equipment that that has the minimum capability of hoisting the load higher than 10 feet or that has the capability of lifting loads greater than 500 pounds or if the capacity of the bucket exceeds 1/4 cubic yard capacity; overhead bridge cranes, electric or air driven hoists, pendant controlled hoists, specialty equipment as categorized by License grade in this regulation.

~~A device intended to raise, lower, suspend or support cargo. Derricks, cableways, machinery used for discharging eCargoes, temporary elevator cars used on excavation work or used for hoisting building material, when the motive power to operate such machinery is meechanical and other than steam including but not limited to excavators, backhoes, front end loaders, uni-loaders, skid loader, skid steer loaders, compact loaders or similar devices, lattice cranes, derricks, cranes with or without wire rope, all fFork lLifts that have the ability of exceeding any of the criteria listed in 520 CMR 6.01 (1)(b), overhead bridge cranes, electric or air driven hoists, pendant controlled hoists with a rating of 2 ton capacity or greater, specialty equipment as categorized by lLicense grade in this regulation.~~

~~Injury.~~ Sustained bodily harm resulting in treatment such as trauma, cuts, bruises, burns, and sprains.

Injury and Incident Documentation. A form furnished by the Department of Public Safety detailing all specific information regarding any ~~s~~Serious ~~i~~Injury or ~~m~~Mechanical ~~f~~Failure that may have occurred.

In-Service Training. A company program that has been approved by the Department ~~and that~~ is required for issuance of a ~~C~~eompany ~~L~~icense by those ~~entities-companies~~ that have been exempted from hoisting licensing requirements, ~~as outlined~~ ~~i~~npursuant to M.G.L.,M.G.L. c. 146, Section 53.

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~~In-Service Training Program Monitor:~~

~~In-Service Training Program Supervisor:~~

Inspector. District Engineering Inspector employed by the Department of Public Safety.

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Instructor. An individual duly licensed by the Department as a ~~h~~Hoisting ~~m~~Machinery operator who educates and trains ~~L~~icensees and ~~A~~pprentice ~~L~~icensees in the operation of ~~h~~Hoisting ~~m~~Machinery.

License. A ~~certificate-document~~ issued by the Department to an individual ~~evidencing permission-~~ to operate a certain type and class of ~~h~~Hoisting ~~m~~Machinery.

Licensee. A person who is at least 18 years old, holds a valid driver's license and has completed the necessary requisites for licensure to operate ~~h~~Hoisting ~~m~~Machinery.

Mechanical Failure. ~~Major d~~Damage to ~~h~~Hoisting ~~m~~Machinery which affects the capacity or safe operation of the equipment per the manufacturer's specifications.

Modification. Alterations, extensions or repairs made to ~~h~~Hoisting ~~m~~Machinery which alter the machinery's original structure.

Operator's Manual. The document created by the manufacturer of the ~~Hoisting machinery~~ Machinery that contains the required procedures and forms for the safe operation of ~~h~~Hoisting ~~m~~Machinery at the stated site pertaining to that specific equipment.

Placard. ~~A Department issued Certificate-certificate~~ posted on ~~h~~Hoisting ~~m~~Machinery which acts as a notice of the unsafe condition of the machinery.

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~~S.A.E.AE~~. ~~The~~ Society of Automotive Engineers.

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Serious Injury. A personal injury/illness that results in death, dismemberment, significant disfigurement, permanent loss of the use of a body organ, member, function, or system, a compound fracture, or other significant injury/illness that requires immediate admission and overnight hospitalization and observation by a licensed physician.

Signal Person. A trained individual qualified in the use of signals specially appointed by the operator to direct the operator of ~~h~~Hoisting ~~m~~Machinery and warn of possible or existing hazards through the use of hand signals, audible signals, or flashing lights. (See Appendix A)

Short-Term Rental Entity. A person or organization approved by the Department, who is in the business of renting ~~C~~compact ~~h~~Hoisting ~~m~~Machinery for which a Temporary Permit is required.

Short-Term Rental Entity Facilitator. An employee of the Short-Term ~~r~~Rental ~~e~~Entity who holds a Massachusetts ~~h~~Hoisting ~~l~~License issued by the Department and is responsible for ~~the~~conducting written and practical training, examinations, and issuanceing ~~t~~Temporary ~~p~~Permits.

Temporary Permit. A non-renewable permit to operate ~~h~~Compact Hoisting ~~m~~Machinery, with a gross vehicle weight not exceeding 8,000 pounds, issued by a Department-~~a~~pproved Short-Term Rental ~~e~~Entity for no more than 14 consecutive days.

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Temporary Permit Holder. A person who is at least 18 years of age, holds a valid driver's license, and has obtained a ~~Temporary Permit~~ to operate ~~Compact Hoisting Machinery~~ with a gross vehicle weight not exceeding 8,000 pounds.

Training Facility. A site including buildings and machinery located thereon, that has been approved by the Department to train ~~Apprentice Licensees~~ individuals in the safe operation of ~~Hoisting equipment~~ Machinery and may also provide courses in continuing education for individuals licensed to operate ~~Hoisting equipment~~ Machinery.

Training Period. Time during which an ~~Apprentice Licensee~~ participates in a training program on-site at a ~~Training Facility~~.

Utility. Any organization or company which provides electricity, natural gas, phone or cable services to the public.

(3) ~~Regulations and Standards Adopted.~~ The standard for operation of ~~Hoisting Machinery~~ shall be in accordance with the following:

- ~~ANSI/ASME (2005) Overhead Cranes~~
- ~~ASME B30.2-2011 Overhead and Gantry Cranes (Top Running Bridge, Single or Multiple Girder, Top Running Trolley Hoist)~~
- ~~B30.3-2009 Construction Tower Cranes~~
- ~~B30.5-2011 Mobile and Locomotive Cranes~~
- ~~B30.9-2010 Slings~~
- ~~B30.10-2009 Hooks~~
- ~~B30.11-2010 Monorails and Underhung Cranes~~
- ~~B30.16-2007 Overhead Hoists (Underhung)~~
- ~~B30.17-2006 (R2012) Overhead and Gantry Cranes (Top Running Bridge, Single Girder, Underhung Hoist)~~
- ~~B30.20-2010 Below-the-Hook Lifting Devices~~
- ~~B30.22-2010 Articulating Boom Cranes~~
- ~~B30.26-2010 Rigging Hardware, Includes Errata (2011)~~

- ~~ASME 2007 Mobile and Locomotive Cranes~~
- ~~ASME 2006 Slings~~
- ~~ASME 2005 Hooks~~
- ~~ASME 2006 Below the Hook Lifting Devices~~
- ~~ASME 2005 Articulating Boom Cranes~~
- ~~ASME Rigging Hardware~~

~~The Occupational Safety and Health Administration (OSHA) Regulations~~
~~29 CFR 1926 and~~
~~29 CFR 1910.~~

~~Regulations~~

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220 CMR 99 Procedures for the Determination and Enforcement of Violations of MGL c.82, sec.40 ("Dig Safe")

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6.02: General Administrative Provisions, Including Requirements for Licensure, Apprentice Licenses, and Renewals
~~General Administrative Provisions, including requirements for licensure, Apprentice Licenses, and License renewals.~~

(1) ~~Scope.~~ 520 CMR 6.00 establishes general administrative provisions including ~~h~~License issuance, and ~~t~~Temporary pPermit issuanceLicense renewals, fees, ~~ins~~pectionsexaminations, and ~~var~~iancesappeals for all ~~h~~Hoisting ~~m~~Machinery licensure.

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(2) General requirements for licensure.

(a) All applicants, ~~except~~including those applying for an Apprentice License, must be at least 18 years of age.

~~All applicants must possess a valid driver's license to operate a motor vehicle.~~

(b) ~~3)~~All applicants must submit the following documentation:

1. A completed application on a form authorized by the Department to operate ~~h~~Hoisting ~~m~~Machinery as provided by the Department; ~~and~~
2. A fee to be determined annually by the Secretary of Administration and Finance under the provisions of ~~M.G.L.~~M.G.L. c. 7, §3B; ~~and~~
3. A legible photocopy of the applicant's valid ~~D.O.T.~~DOT medical certificate ~~D.O.T.~~ certificate demonstrating that the applicant meets the criteria for a D.O.T. medical examination or ~~2004 ANSI B30.5~~ANSI/ASME B30.5-2011 qualifications for operators. ~~In the event that the ~~D.O.T.~~DOT medical certificate expires prior to the expiration of the ~~h~~Hoisting ~~h~~License, the ~~h~~Licensee shall submit a legible photocopy of the new certificate;~~ ~~and~~
4. A photograph or permission to gain access to the Massachusetts Registry of Motor Vehicles database if applicant is a resident of Massachusetts; ~~and~~
5. A legible photocopy of the applicant's valid driver's license. In the event that the applicant's driver's license expires prior to the expiration of the ~~h~~Hoisting ~~h~~License, the applicant shall submit a legible photocopy of the new driver's license when it is received; ~~and~~
6. In addition to the requirements of 520 CMR 6.02

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~~(2)(b)(1-~~

5). Applicants applicants for an Apprentice License must submitalso submit a copy of their of his Annual Apprentice ID Card issued by the DAT

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~~(c)~~ Applicants of a 1A, 1B, 1C, 3A or 4F License may submit a valid CCO as an alternative to a written or practical examination as required by 520 CMR 6.02 (3)(1)(3)(3).

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(3) Examination for License to Operate Hoisting Equipment Machinery.

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~~(a)~~ Written:

~~(a)~~

~~(1)~~ Other than an apprentice, all applicants for a license to operate Hoisting Machinery license shall pass a written examination administered by the Department by earning a minimum grade of 70% and must demonstrate knowledge of the following:

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~~1a.~~ the operation of the equipment for which they are being examined;

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~~2b.~~ the ability to comprehend and interpret all placards,

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operation manuals, safety codes and other information pertinent to safe hoisting operations in;

~~3c.~~ the English language;

~~4dc.~~ emergency procedures;

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~~5ed.~~ Massachusetts General Laws and regulations as they relate to Hoisting equipment Machinery.

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~~(b2)~~ Individuals receiving a failing score may not retake an examination for a license to operate Hoisting Machinery within 90 days of the previous examination.

~~(c)~~ Applicants may only be examined for one hoisting category per exam, but may apply for multiple exams using separate applications and fees.

~~(d3)~~ In addition to the written examination, applicants for licensure to operate Hoisting Machinery may be required to pass a practical examination at the discretion of the Department or if required by Federal law for the specific type of equipment for which they have applied to operate.

~~(b2)~~ Practical Examination:

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Applicants taking the practical examination must demonstrate knowledge of the following:

in English;

- (1) ~~Demonstrate~~ The ability to operate the equipment for which they are being examined;
- (2) ~~Demonstrate the~~ The ability to comprehend and interpret all ~~p~~Placards, operators' manuals, safety codes and other information pertinent to safe hoisting operations;
- (3) ~~The~~ The ability to comprehend and interpret hand signals;
- ~~3~~(4) ~~Demonstrate the~~ The ability to communicate

~~4~~(5) ~~Demonstrate knowledge of e~~Emergency ~~p~~Procedures;

~~5~~(6) ~~Demonstrate knowledge of a~~Applicable ~~Massachusetts~~ Massachusetts General Laws and regulations as they relate to ~~h~~Hoisting equipment ~~Machinery~~.

~~General Laws and regulations as they relate to hoisting equipment.~~

(4) ~~Hoisting~~ Licenses shall be carried on the person of the operator during all times the operator is operating ~~h~~Hoisting ~~m~~Machinery and shall be furnished for inspection by the operator at the request of the Chief or Inspector or the Commissioner.

(4)

~~Hoisting licenses shall be carried on the person of the operator during all times the operator is operating hoisting machinery and shall be furnished for inspection by the operator at the request of the Chief or Inspector.~~

(5) ~~Denial; appeals.~~

(a) The Department may refuse to issue a ~~h~~License to an applicant based on the following grounds:

- (1) ~~Submittal of an incomplete application or submittal of an application on a form not authorized by the Department;~~
- (2) ~~Failure to submit required fees;~~
- (3) ~~Submittal of false, invalid, incorrect or fraudulent information;~~
- (4) ~~If at the time of application, the applicant is under investigation by the Department;~~
- (5) ~~Failure to pass a practical examination (if required);~~
- (6) ~~Failure to pass the required written examination.~~

(b) If the Department refuses to issue a ~~h~~License based upon any of the reasons set forth in 6.02 (5)(a)(1-5) it ~~shall~~ notify the applicant in writing, setting forth the reasons for the denial. Within one week of

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receipt of the denial, the applicant may make written demand on a form authorized by the Department ~~upon to~~ the Chief for a hearing before a board of appeals consisting of three Department ~~i~~Inspectors appointed by the Chief or the Chief and two Inspectors. The hearing shall be held promptly and in accordance with ~~M.G.L.~~MGL c. 30A and 801 CMR 1.02.

~~(c) Failure to Pass Written Examination as required by 520 CMR 6.02(5)(a)(6):~~

The results of the written examination shall be posted on the Department's website (www.mass.gov/dps). If an applicant receives a failing score, ~~and the Department refuses to issue a license based upon 6.02(35)(a)(6),~~ the applicant may make written demand upon the Chief for a hearing. The written demand must be submitted on a form authorized by the Department within one week of the examination score being posted on the website. The hearing shall be held before a board of appeals consisting of three Department ~~i~~Inspectors appointed by the Chief or the Chief and two Inspectors. The hearing shall be held promptly and in accordance with ~~M.G.L.~~M.G.L. c. 30A and 801 CMR 1.02.

~~(d) If, after a hearing pursuant to 520 CMR 6.-02-(5)-(b) or (c), the Chief Board denies the issuance of the license, he-it shall notify the applicant in writing. Such notice shall be sent by certified mail and/or first class mail and shall contain the reasons supporting the denial. Within 30 days after receipt of the notice, the applicant may appeal such denial to Superior Court in accordance with ~~M.G.L.~~MGL c. 30A, § 14.~~

~~(6) License Renewals:~~

All applicants for renewal licensure shall submit the following to the Department:

~~1. (1) A Certificate of Completion evidencing the satisfaction of continuing education hours required pursuant to 520 CMR 6.046. Applicants for renewal of a 1A, 1B, 1C, 3A or 4F License may submit a valid CCO evidencing the satisfaction of continuing education hours required pursuant to 520 CMR 6.04; and.~~

~~(2) A completed application on a form authorized by the Department to operate ~~h~~Hoisting ~~m~~Machinery as provided by the Department; and~~

~~A fee to be determined annually by the Secretary of Administration and Finance under the provisions of ~~M.G.L.~~MGL c. 7, §3B; and~~

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(3) A legible photocopy of the applicant's valid ~~D.O.T.~~DOT medical certificate or ~~2004 ANSI B30.5~~ANSI/ASME B30.5-2011 qualifications for operators. In the event that the ~~D.O.T.~~DOT medical certificate expires prior to the expiration of the ~~h~~Hoisting ~~l~~License, the ~~l~~Licensee shall submit a legible photocopy of the new certificate; ~~and~~

~~— A photograph or permission to gain access to the Massachusetts Registry of Motor Vehicles database if applicant is a resident of Massachusetts; ~~and~~~~

(4) ~~— A legible photocopy of the applicant's valid driver's license. In the event that the applicant's driver's license expires prior to the expiration of the ~~h~~Hoisting ~~l~~License, the applicant shall submit a legible photocopy of the new driver's license when it is received.~~

(5) ~~—~~

(7) ~~Renewals of Apprentice Licenses; and License to Operate Hoisting Equipment~~Machinery.

(a) Apprentice Licenses shall be valid for the term of registration. Apprentice Licenses may be renewed upon the submission of a copy of the applicant's Annual Apprentice ID Card issued by the DAT as proof that the Apprentice Licensee remains registered with the Division of Apprentice Training of the Department of Labor Standards.

(b) Applicants for ~~A~~pprentice ~~L~~icense renewals shall also submit the following:

~~— 1. A complete application for renewal of an ~~a~~Apprentice ~~l~~icense~~

~~— to operate ~~h~~Hoisting ~~m~~achinery as provided by the Department; ~~and~~~~

2. A fee to be determined annually by the Secretary of Administration and Finance under the provisions of ~~M.G.L.~~MGL c. 7, §3B; ~~and~~

3. A valid ~~D.O.T.~~DOT medical certificate documenting that the applicant meets the criteria for a ~~D.O.T.~~DOT medical examination or ~~2004 ANSI B30.5~~ANSI/ASME B30.5-2011 qualifications for operators; ~~and~~

4. A ~~C~~ertificate of ~~C~~ompletion; ~~and~~

5. A photograph or permission to gain access to the Massachusetts Registry of Motor Vehicles database if applicant is a resident of Massachusetts; ~~and~~

6. A legible photocopy of a valid driver's license.

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6.03: Issuance of Temporary Permits to Operate Rented Compact Hoisting Machinery
Issuance of Temporary Permits to Rent and Operate Rented Hoisting Equipment
Machinery

~~1.(a)~~ Approval by Department: All individuals or organizations seeking approval to issue ~~t~~Temporary ~~p~~Permits as Short Term Rental Entities shall submit for the Department's approval, the following:

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1. A completed application on a form furnished by the Department; ~~and~~

2. A copy of ~~the all curriculum and training materials program~~ to be used by the Short Term Rental Entity in accordance with 520 CMR 6.00;

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~~(1) A list of all instructors employed by the rental company, including the names, License numbers with designated type and class of Hoisting Machinery, and expiration dates;~~

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~~(2) A course syllabus for each equipment type to be used in the training program;~~

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~~(3) The minimum topics and texts included as part of the training program curriculum shall include but may not be limited to:~~

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~~1. MGL c. 146;~~

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~~2. 520 CMR 6.00;~~

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~~3. 520 CMR 14.00;~~

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~~4. OSHA Standards 29 CFR 1926;~~

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~~5. MGL c. 82, §40;~~

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~~6. MGL c. 82A;~~

~~7. MGL c. 164, §76D;~~

~~8. 220 CMR 99.00 (Dig Safe); ~~and~~~~

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~~3. A copy of the examination(s) to be used; ~~and~~~~

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~~4. The make, model and serial number of the equipment to be used in the training program; ~~and~~~~

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~~(1)~~

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~~(2) Certificates of completion to be used by the facility in accordance with 520 CMR 6.03 (2);~~

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~~(3) A list of all instructors employed by the rental company, including the names and Massachusetts hoisting machinery license numbers in accordance with 6.03(4);~~

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~~(4) Method of Verification in accordance with 6.03(2);~~

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~~(5) Certification form in accordance with 6.03(5)(d)~~

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~~The Short Term Rental Entity shall have a Short Term Rental Entity Facilitator to monitor all permitting requirements. The Short Term Rental~~

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- Entity Facilitator shall hold a Massachusetts Hoisting License of equal or greater grade of Massachusetts License than the Compact Hoisting Machinery to be rented and will verify by their signature on the Temporary Permit that all those issued Temporary Permits have fully participated in the Short Term Rental Entity's training program and passed the examination; and
5. The Short Term Rental Entity shall submit the name and Massachusetts Hoisting License number of at least 1 individual who will act as the Short Term Rental Entity Facilitator; and
 6. A legible photocopy of the Short Term Rental Entity Facilitator's Massachusetts Hoisting License; and
 - 2.7. A legible photocopy of the Short Term Rental Entity Facilitator's driver's license.

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The Department shall issue a certificate of approval to individuals or organizations seeking approval to issue Temporary Permits as Short Term Rental Entities. Approval shall be contingent upon having a Short Term Rental Entity Facilitator that holds a valid Massachusetts Hoisting License in the applicant entity's employ.

- (b) The Short Term Rental Entity shall have a Short Term Rental Entity Facilitator to monitor all permitting requirements. The Short Term Rental Entity Facilitator shall hold a Massachusetts Hoisting License of equal or greater grade of Massachusetts License than the Compact Hoisting Machinery to be rented and will verify by their signature on the Temporary Permit that all those issued Temporary Permits have fully participated in the Short Term Rental Entity's training program and passed the examination;

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- (c) If the Short Term Rental Entity Facilitator is no longer employed by the rental entity or is no longer going to serve as the Facilitator, the Short Term Rental Entity shall submit the required documents notify the Department for of the new facilitator within 14 days of the change change on a form authorized by the Department. No Temporary Permits shall be issued by the Short Term Rental Entity without a valid Short Term Rental Entity Facilitator approved by the Department.

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See comments above Method of verification. Each program must provide a means to ensure permit authenticity. Such means shall include but not be limited to:

1. Embossment of certificate
2. Computer data transfer of program participants
3. Signature verification
4. numbered permits

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2.(d) Curriculum and Training Content Requirements for Short-Term Rental Entity Training Program. Short Term Rental Companies Rental Entities shall which are approved by the Department shall offer a curriculum that, at a minimum, complies comply with the following requirements:

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1. The Short Term Rental Company must have in place a standard training program of a minimum one hour of instruction for each type of compact hoisting machinery rented.
- 2.
3. The elements of each such training program must be in writing, filed with and approved by the Department as part of their application, and available on site for inspection by the Department.

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(4) List of Instructors. All instructors employed by the rental company to train temporary permit holders as specified in 520 CMR XX shall be licensed according to. Each rental entity must provide a list including the names and Massachusetts hoisting machinery license numbers of all instructors employed by the rental facility. Names and applicable license numbers of instructors shall be updated by the rental facility operator within 14 days of the employment or the cessation of employment of an

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1. Permit Issuer/Short Term Rental Entity

(1) Any entity that has been approved by the Department to issue Temporary Permits must have a valid certificate of approval posted visibly at the rental location.

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4. The Short Term Rental Entity shall ensure that all permitting requirements are monitored by a Massachusetts Hoisting Licensee of equal or greater

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grade of Massachusetts license, who will verify by their signature on the temporary permit, that all those issued temporary permits have fully participated in the program for which they have been issued a permit.

5. Prior to renting any such compact hoisting machinery and the issuance of a temporary permit as provided in 520 CMR 6.0X, the person to whom the compact hoisting machinery is to be rented must pass the examination or provide to the Short Term Rental Entity a Temporary Permit which was issued within the preceding 12 months from an authorized Short Term Rental Entity.

6. Prior to renting any compact hoisting machinery and the issuance of a temporary permit as provided in 520 CMR 6.03, the Short Term Rental Entity must train any person who applies for a temporary permit in the proper and safe operation of that compact hoisting machinery in accordance with their approved training program, or must verify that the applicant has received such training within the previous 12 months or has operated such compact hoisting machinery within the previous six months. A part of such training may include the viewing of a video tape.

7.

(2f) No person shall be issued more than 1 Temporary Permit in any

45 day period from the expiration of said Temporary Permit.

4.

2.(e) Requirements for Temporary Permits:

(1) All applicants must be at least 18 years of age.

(2) All applicants must possess a valid driver's license to operate a motor vehicle.

2. All;

(f) 7.(e) All applicants must submit the following documentation to the Short-Term Rental Entity prior to taking the examination for a Temporary Permit:

(1) A complete application to operate a specific type of Compact Hoisting Machinery as provided by

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the Short-Term Rental Entity; ~~and~~

~~(2)~~ ~~A photograph; and~~

~~(23)~~ ~~A legible photocopy of the applicant's valid driver's license.~~

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~~1.~~

~~all such temporary permits for one year, and make them available for inspection by the Department upon request.~~

~~1.~~

~~(g) (fe) Issuance of Temporary Permits.~~

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~~1.(1)~~ Only upon compliance with the requirements described in 520 CMR 6.0X03, the Short Term Rental Entity shall ~~may~~ issue a ~~Temporary~~ ~~Permit~~ to operate the rented ~~Compact~~ ~~Hoisting~~ ~~Machinery~~ during the rental terms. The Temporary Permit shall not be valid for more than 14 consecutive days. (not to exceed 14 consecutive days).

~~2.(2)~~ This Temporary Permit shall be on a form authorized by the Department.

~~3.(3)~~ The Short Term Rental Entity shall retain the original Temporary Permit application, the examination(s), and duplicates of the Temporary Permit for a period of 3 years.

~~4.(4)~~ Rental facilities shall issue a ~~Temporary~~ ~~Permit~~ (provided on a standard form by the Department) to those who satisfactorily complete and pass an examination. Temporary ~~Permits~~ shall contain the following information:

a. Name of Temporary Permit Holder; ~~and~~

b. Address of Temporary Permit Holder; ~~and~~

~~e.~~ E-mail address of Temporary Permit Holder; ~~and~~

~~d.~~ Name and address of Short Term Rental Entity issuing the

Temporary Permit; ~~and~~

~~e.~~ A The printed name and legible signature of a Licensee the Short Term Rental

Entity Facilitator verifying that the participant has completed

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the permit requirements; ~~and~~

~~_____~~ f. the issuance and expiration date of the ~~Temporary Permit~~; ~~and~~

g. the ~~class~~description of ~~Compact Hoisting Machinery~~ for which the ~~Temporary Permit~~ is valid; ~~and~~

h. the make and model of the piece of ~~Compact Hoisting~~

~~Machinery that is being rented~~; ~~and~~

i. a photograph of the ~~Temporary Permit~~ temporary permit holder.

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~~(h)~~ -Short Term Rental Entities that are approved to issue Temporary Permits shall keep uniform records of Temporary Permit Holders documentations and have those records readily accessible to ~~i~~inspectors of the Department upon request for a period of 3 years. They shall be responsible for the security and retention of all uniform permits and the proper issuance thereof.

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~~(e)~~ Falsification of Documents. The fraudulent issuance of ~~Temporary Permits~~ by any ~~Licensee~~ shall be grounds for initiating formal proceedings under M.G.L. MGL c. 146 §section 59 and c. 30A and may be grounds for the Department to immediately suspend or revoke its ~~their~~ approval of the Short Term Rental Entity to issue ~~Temporary Permits~~. ~~may be revoked or suspended.~~

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~~(j)~~ A Temporary Permit is only valid for ~~Compact Hoisting Machinery~~ as defined in 520 CMR 6.01.

~~(k)~~ A Temporary Permit and a valid driver's license shall be carried on the person of the operator during all times the operator is operating rented Compact Hoisting Machinery pursuant to MGL c. 146 § 54, and shall be furnished for inspection by the operator at the request of the Chief or Inspector or the Commissioner.

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~~A Temporary Permit is only valid for compact hoisting machinery as defined in 520 CMR 6.01.~~

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~~(l)~~ Temporary Permits are non-renewable. ~~If a person wishes to~~

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~~rent a piece of
Compact Hoisting Machinery more than 45 days after they
passed the examination expiration of a
for a Temporary Permit they must go through an approved
Short Term Rental
Entity's training program and take the examination again to
have a new temporary
permit issued.~~

6.05: Renewals of Apprentice Licenses and License to Operate Hoisting Equipment.

Apprentice Licenses shall be valid for the term of registration. Apprentice Licenses may be renewed upon the submission of a copy of the applicant's Annual Apprentice ID Card issued by the DAT as proof that the Apprentice Licensee remains registered with the Division of Apprentice Training of the Department of Labor and Workforce Development. All other applicants for hoisting machinery license renewals shall submit the following:

1. A legible photocopy of a valid driver's license;
2. A complete application for renewal of a license to operate hoisting machinery as provided by the Department;
3. A fee to be determined annually by the Secretary of Administration and Finance under the provisions of M.G.L. c. 7, §3B;
4. D.O.T. certificate documenting that the applicant meets the criteria for a D.O.T. medical examination or 2004 ANSI B30.5 qualifications for operators;
5. A certificate of completion; and
6. A photograph or permission to gain access to the Massachusetts Registry of Motor Vehicles database if applicant is a resident of Massachusetts.

6.0604: Continuing Education and Training Facilities
~~Continuing education and training facilities; license renewal; requirements; expiration~~

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All Hoisting License holders must complete continuing education requirements of this section prior to license renewal, unless a request for an inactive license status has been made pursuant to 520 CMR 6.04(3).

(1) Continuing Education and Training Facilities.

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(a) Approval by Department

All individuals or organizations seeking approval to operate as a ~~t~~Training ~~f~~Facility that offers one or more continuing education course(s) shall submit, for the Department's approval, an application on a form furnished by the Department as well as a copy of all curriculum, training materials, certificates of completion to be used by the facility, and a list including the names and Massachusetts ~~h~~Hoisting ~~m~~Machinery ~~l~~License numbers of all ~~i~~nstructors. Curriculum must contain the minimum topics and associated hours for those topics as listed in 520 CMR 6.06(6).

(b) The following provisions are required in order for any institution or organization to have their continuing education program considered for approval:

1. A copy of all curriculum, training material, and ~~e~~Certificate of ~~e~~Completion to be used must be provided to the Department.
2. Curriculum must contain the minimum topics and associated hours for those topics as listed in 520 CMR ~~6.0604~~(6).
3. All courses must be monitored by a Massachusetts Hoisting Licensee of equal or greater grade of Massachusetts ~~l~~License, who will verify by their printed name, legible signature, and hoisting license number on the ~~e~~Certificate of ~~e~~Completion, that all those issued a ~~e~~Certificate of ~~e~~Completion have fully participated in the program for which they have been issued a certificate.
4. Instructors ~~may~~ receive continuing education credits for providing instruction, however ~~i~~nstructors shall only be credited hours for the actual non-redundant time that they have spent actively participating in the instruction of the program.
5. Method of Verification. Each program must provide a means to ensure certificate authenticity. Such means shall include, but not be limited to:

a. School embossment of certificate; or

b. Computer data transfer of program participants to the Department; or

c. Signature verification; or

d. Numbered certificates and a list of corresponding Licensees.

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~~5— School embossment of certificate; or~~

~~6— Computer data transfer of program participants; or~~

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~~7—Signature verification; or~~

~~—Numbered certificates; or~~

~~8—Date of completion.~~

6. Curriculum. Continuing education programs approved by the Department shall offer a curriculum that, at a minimum, complies with the following requirements for each associated class of Hoisting Equipment Machinery licensure:

~~1.a.~~ Class 1 (Hoisting) Licenses:

~~1.i.~~ The minimum number of continuing education hours required for renewal of a 1A, 1B, or 1C or 1D License shall be four (4) classroom hours and two (2) classroom hours for the renewal of a 1D License.

~~2.ii.~~ The minimum topics and texts included as part of the continuing education curriculum for purposes of renewing a 1A, 1B, 1C, or 1D License shall include but may not be limited to:

1. MGL c. 146;
2. 520 CMR 6.00;
3. 520 CMR 14.00;
4. OSHA Standards 29 CFR 1926;
5. OSHA Standards 29 CFR 1910;
6. ANSI B30;
7. MGL c. 82, §40;
8. MGL c. 82A;

~~9—MGL c. 164, §76D; and~~

~~10. 220 CMR 99.00 (Dig Safe)~~

~~2.b.~~ Class 2 (Excavation) Licenses:

~~1.i.~~ The minimum number of continuing education hours required for renewal of a 2A, 2B, and 2C, and 2D License shall be four (4) classroom hours.

~~2.ii.~~ The minimum topics and texts included as part of the continuing education curriculum for purposes of renewing a 2A, 2B, 2C, or 2D License shall include but may not be limited to:

1. MGL c. 146;

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2. 520 CMR 6.00;
3. 520 CMR 14.00;
4. OSHA Standards 29 CFR 1926
5. MGL c. 82, §40;
6. MGL c. 82A;
7. MGL c. 164, §76D; ~~and~~
8. 220 CMR 99.00 (Dig Safe).

~~3-c.~~ Class 3 (Tower and Electric) Licenses:

~~1-i.~~ The minimum number of continuing education hours required for renewal of a 3A or 3B ~~H~~ license shall be four (4) classroom hours.

~~2-ii.~~ The minimum topics and texts included as part of the continuing education curriculum for purposes of renewing a 3A or 3B ~~H~~ license shall include but may not be limited to:

1. MGL c. 146;
2. 520 CMR 6.00;
3. OSHA Standard 29 CFR 1926;
4. OSHA Standard 29 CFR 1910; ~~and~~

~~5.~~ ANSI B30.

~~4-d.~~ Class 4 (Specialty) Licenses:

~~1-i.~~ The minimum number of continuing education hours required for renewal of a 4A ~~H~~ license shall be ~~eight-six (86)~~ classroom hours.

~~2-ii.~~ The minimum number of continuing education hours required for renewal of a 4B, 4C, 4D, 4E, 4F, ~~or 4G, or 4H~~ ~~H~~ license shall be four (4) hours.

~~3-iii.~~ The minimum topics and texts included as part of the continuing education curriculum for purposes of renewing a 4A, 4B, 4C, 4D, 4E, 4F, ~~or 4G, or 4H~~ ~~H~~ license shall include but may not be limited to:

1. MGL c. 146;
2. 520 CMR 6.00;

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3. 520 CMR 14.00
4. OSHA Standards 29 CFR 1926;
5. OSHA Standards 29 CFR 1910;
6. ANSI B30;
7. MGL c. 82, §40
8. MGL c. 82A;
9. MGL c. 164, §76D; ~~and~~
10. 220 CMR 99.00 (Dig Safe).

~~5. Class 5 (Power Linemen Hoisting) Licenses:~~

~~1. The minimum number of continuing education hours required for renewal of a 5A license shall be twelve (12) classroom hours allocated as follows:~~

- ~~1. Backhoes: four (4) classroom hours;~~
- ~~2. Drill Rigs: four (4) classroom hours; and~~
- ~~3. Cranes: four (4) classroom hours.~~

~~2. The minimum topics and texts included as part of the continuing education curriculum for purposes of renewing a 5A license shall include but may not be limited to:~~

- ~~1. MGL c. 146;~~
- ~~2. 520 CMR 6.00;~~
- ~~3. 520 CMR 14.00;~~
- ~~4. OSHA Standards 29 CFR 1926;~~
- ~~5. ANSI B30;~~
- ~~6. MGL c. 82, §40;~~
- ~~7. MGL c. 164, §76D; and~~
- ~~8. 220 CMR 99.00 (Dig Safe).~~

7. List of Instructors. Each program must provide a list including the names and Massachusetts ~~h~~Hoisting ~~m~~Machinery ~~h~~License numbers of all continuing education ~~i~~Instructors employed by the ~~t~~Training ~~f~~Facility. Names and applicable ~~h~~License numbers of ~~i~~Instructors shall be updated by the ~~t~~Training ~~f~~Facility operator within 14 days of the employment or the cessation of employment of an ~~i~~Instructor by a ~~t~~Training ~~f~~Facility on a form furnished by the Department.

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(c) Certificates of Completion.

(1) Training facilities shall issue a eCertificate of eCompletion to Licensees who satisfactorily complete a continuing education course. Upon completion, all Massachusetts operators of Hoisting equipment Machinery shall receive a Department- approved certificate, a copy of which shall be retained by the Training Facility. It shall be furnished at the request of the Department. Certificates of completion-Completion shall contain the following information:

- a. Name of participant; ~~and~~
- b. Address of participant; ~~and~~
- c. E-mail address of participant; ~~and~~
- d. Massachusetts License grade and number of participant; ~~and~~
- e. Name and address of the institution or organization providing the continuing education/assessment; ~~and~~
- f. A printed name and legible signature of a Licensee verifying participant has completed the hours as listed on the certificate; ~~and~~
~~and~~. The License number of the Licensee endorsing the certificate; ~~and~~.
- h. Date of issuance.

(2) Each program must provide a means to ensure certificate authenticity and shall provide evidence of the means of certification to the Department. Such means shall include:

- a. School embossment of certificate; or
- (1)~~b.~~ Computer data transfer of program participants to the Department; or
- (2)~~c.~~ Signature verification; or
- (3)~~d.~~ Numbered certificates and a list of corresponding Licensees.

(d) Program Instructors who are approved to conduct continuing education programs shall keep uniform records of attendance of Licensees ~~and have those records readily accessible to iInspectors of the Department upon request~~ and have those records readily accessible to Inspectors of the Department upon request for a period of 3 years. They shall be responsible for the security and retention of all uniform certificates and the proper issuance thereof. Instructors shall verify by signature that participants in continuing education programs have satisfactorily completed the necessary training.

(e) Falsification of Documents. The falsification of attendance records or fraudulent issuance of certificates of completion by any Licensee shall be

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grounds for initiating formal proceedings under M.G.L./MGL c. 146 §section 59 and c. 30A and may also result in immediate suspension or revocation of the HLicense.

(2) Continuing Education Requirements for License Renewal

(a) Subsequent renewals of any HLicense other than aApprentice HLicense that expires in an even year shall expire on the next anniversary of the HLicensee's date of birth occurring in an even year. Subsequent renewals of any HLicense other than an aApprentice HLicense that expires in an odd year shall expire on the next anniversary of the HLicensee's date of birth occurring in an odd year.

(b) Renewals of HLicenses shall be granted upon submission of required documentation pursuant to 520 CMR 6.0502.

(c) The Department may accept education, training, or service completed by an individual as a member of the armed forces, as defined in M.G.L. c. 4 § 7, clause 43, or the United States military reserves as an alternative or in addition to submission of required documentation pursuant to 520 CMR 6.02. The applicant shall submit a license renewal application along with a Verification of Military Experience and Training form and any other supporting documentation. The education, training, or service submitted to the Department shall have been completed within 24 months of submission.

(3) Inactive Status.

(a) Any operator of hHoisting mMachinery who is -unable to obtain the required continuing education necessary to renew his-their HLicense may request that his-the HLicense be placed in inactive status-status for up to 1 continuing education cycle. until such time that the continuing education requirements are fulfilled. Such request shall be made in writing on a form furnished by the Department.

(b) Operators holding a HLicense on inactive status shall not be authorized to operate hHoisting mMachinery for the time period that the HLicense is inactive.

(c) A determination by the Department that a HLicensee may return to active status shall be made following the Department's receipt of a written request by the HLicensee on a form furnished by the Department, the required renewal fee, and a eCertificate of eCompletion.

(4) Expiration. Pursuant to M.G.L./M.G.L. c. 146, Section 67, HLicenses not renewed on or before the expiration date shall become void, and shall, after one year, be reinstated only by re-examination of the HLicensee in accordance with 520 CMR 6.02. This provision does not apply to HLicenses which are considered in inactive status.

(a) License Extension – Military Service. If the licensee is on active duty with the armed forces of the United States, as defined in M.G.L. c. 4 § 7 clause forty- third, the license shall remain valid until the licensee is released from active duty and for a period of not less than 90 days following that release. For this section to apply, the licensee must be

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given an Honorable Discharge, a General Discharge, or an Under Other than Honorable Conditions (UOTHC) Discharge as noted on their discharge and separation papers.

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6.0705: Apprentice Licenses

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(a) The Department may issue an Apprentice License to currently unlicensed individuals who are registered as apprentices at a Training Facility and submit proof of registration with the Department of Labor and Workforce Development Standards pursuant to M.G.L. c. 146, §53A. The Apprentice License shall allow for operation of Hoisting equipment Machinery during the Training Period, provided that the holder operates the Hoisting Machinery only while under the direct guidance of a duly licensed person. The Apprentice License shall be kept on the person of the Apprentice Licensee at all times during the operation of Hoisting equipment Machinery and shall be valid for the term of registration with the Department of Labor and Workforce Development Standards.

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(b) Training Facilities for Apprentice Licensees Only:

(1) All individuals or organizations seeking approval to operate a Training Facility offering courses limited solely to Apprentice Licensee training courses and not continuing education shall submit a list including the names and Massachusetts Hoisting Machinery License numbers of all Instructors employed by the Training Facility.

(2) Enforcement Date. In order to provide adequate time for individuals and organizations to implement these regulations, the Department shall begin enforcement of 520 CMR 6.05 on July anuary 1, 20134.

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6.08-06: Exempt Companies: Exemptions for Licensing Requirements, Pursuant to M.G.L. c. 146, Section 53

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(a) The following entities-companies may be exempt from the licensing and permitting requirements of 520 CMR 6.02 and 6.03, provided that certain provisions are met:

(1) Public Utility Companies: Public Utility companies which have self-propelled truck mounted cranes, derricks and similar Hoisting equipment Machinery which is used for the maintenance and construction of the utility company's own equipment.

5. Companies Operating Solely on Public Utility Property: Any company which has equipment such as cranes, derricks and similar hoisting equipment used solely on utility company property.

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(2) Companies Operating Solely on Company Property: A company which operates Hoisting equipment Machinery specifically limited to industrial lift trucks, Fork Lifts, overhead cranes and other Hoisting equipment Machinery

specifically authorized by the Department and used exclusively on ~~company property~~ Company Property.

(3) ~~Companies Operating Solely on Public-Utility Property: Any company which has equipment such as cranes, derricks and similar hoisting equipment~~ Machinery used solely on Utility Company Property.

(b) For any of the exemptions in ~~520 CMR 6.08(a)(1-3)~~ this section to apply, the following requirements must be met:

- (1) The company must have at least 1 supervisory employee on site at all times of operation who holds a License for the equipment being used, issued by the ~~Department~~ Department under M.G.L. c. 146, Section 53 and is designated as the responsible person in charge of ~~hoisting equipment~~ Machinery during that period of operation; ~~and~~.
- (2) ~~The~~ the company must have an ~~in-service~~ Service ~~training~~ Training program for employees approved by the ~~Department~~ Department which may be audited by the ~~Department~~ Department. The ~~in-service~~ Service ~~training~~ Training program must meet all of the requirements of 520 CMR 6.097; ~~and~~.
- (3) ~~Company~~ Licenses must be issued to each trained and certified employee and shall contain a picture of the Licensee, a list of the specific ~~hoisting equipment~~ Machinery the Licensee has been qualified to operate and the printed name and legible signature ~~signature~~ of the supervisor who holds a ~~Department~~ License to operate that type of equipment.

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~~6.079: In-Service Training Program for Exempt Companies~~ In-Service Training Program:

This section shall apply to ~~in-service~~ Service ~~training~~ Training programs for ~~Company~~ Licenses for exempt ~~entities~~ companies as defined in 520 CMR 6.0806. All approvals previously issued by the Department for an ~~in-service~~ Service ~~training~~ Training program will be rescinded ~~90-120~~ 90-120 days from the date this section goes into effect. All ~~entities~~ companies must reapply for approval and then must reapply ~~biannually~~ biennially.

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~~(2)~~ (1) Approval by Department: All individuals or organizations seeking approval to operate an ~~in-service~~ Service ~~training~~ Training program shall submit, for the Department's approval:

- a. ~~an~~ A completed application on a form furnished by the Department; ~~and~~
- b. Identification of Department-approved curriculum or a copy of all unique company curriculum and training materials, all of which shall incorporate a classroom and a practical component; ~~and~~
- c. ~~certificates of completion to be used by the facility, a legible photocopy of the company license; and~~
- c. a list including the names and Massachusetts hoisting machinery License numbers of all instructors, a legible photocopy of

Instructors' Massachusetts Hoisting Machinery License, and legible photocopies of the Company Licenses; and

- d. A list of the type of equipment, including model, make and serial number, to be used in the company's In-Service Training program.

~~(3)~~

(2) The Department shall issue a certificate of approval for In-Service Training programs. Approval shall be contingent upon having a Massachusetts Hoisting License holder in the applicant company's employ.

~~(4)(3)~~ All In-Service Training Programs courses must be supervised ~~monitored~~ by a Massachusetts Hoisting Licensee of equal or greater grade of Massachusetts License, who will verify by their -printed name and legible signature ~~signature~~ on the eCompany license, ~~that~~ License that all those issued eCompany Licenses have fully participated in the program for which they have been issued a permit.

- a. Method of Verification. Each program must provide a means to ensure permit eCompany License authenticity. Such means shall include, but not be limited to:

1. Embossment of Ceompany License
2. Computer data transfer of program participants
3. Signature verification
4. Numbered Ceompany Licenses
5. Date of issuance.

b. Each Company with an approved in-service training program shall submit a copy of each company license issued to the Department.

~~d. (34)~~ Curriculum In-Service Training Program: In-Service Training programs approved by the Department shall offer a curriculum-program that, at a minimum, complies with the following requirements for each associated class of Hoisting Equipment-Machinery licensure:

a. a) Class 1 (Hoisting) Licenses:

- i. The minimum number of continuing education hours required for renewal of a 1A, 1B, or 1C License shall be four (4) classroom hours and two (2) classroom hours for the renewal of a 1D License. The minimum number of continuing education hours required for renewal of a 1A, 1B, 1C or 1D License shall be four (4) classroom hours.

i.1. The License. The minimum topics and texts included as part of the In-Service Training continuing education curriculum for

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purposes of renewing a 1A, 1B, 1C, or 1D license shall include but may not be limited to:

- ~~1. a. MGLM.G.L. c. 146;~~
- ~~2. b. 520 CMR 6.00;~~
- ~~3. c. 520 CMR 14.00;~~
- ~~4. d. OSHA Standards 29 CFR 1926;~~
- ~~5. e. OSHA Standards 29 CFR 1910;~~
- ~~6. f. ANSI B30;~~
- ~~7. g. MGLM.G.L. c. 82, §40;~~
- ~~8. h. MGLM.G.L. c. 82A;~~
- ~~9. i. MGLM.G.L. c. 164, §76D; and~~
- ~~10. 220 CMR 99.00 (Dig Safe)~~

~~iii. Applicants for renewal of a 1A, 1B, 1C or 1D license may submit a valid CCO as an alternative to completion of the requirements included in 520 CMR 6.03(1)(b)(5)(a)(1) and (2).~~

~~b. Class 2 (Excavation) Licenses:~~

- ~~i. The minimum number of continuing education hours required for renewal of a 2A, 2B, and 2C license shall be four (4) classroom hours.~~
- ~~ii. The minimum topics and texts included as part of the continuing education curriculum for purposes of renewing a 2A, 2B, or 2C license shall include but may not be limited to:~~

- ~~1. MGL c. 146;~~
- ~~2. 520 CMR 6.00;~~
- ~~3. 520 CMR 14.00;~~
- ~~4. OSHA Standards 29 CFR 1926~~
- ~~5. MGL c. 82, §40;~~
- ~~6. MGL c. 82A;~~
- ~~7. MGL c. 164, §76D; and~~
- ~~8. 220 CMR 99.00 (Dig Safe).~~

~~e. Class 3 (Tower and Electric) Licenses:~~

- ~~i. The minimum number of continuing education hours required for renewal of a 3A or 3B license shall be four (4) classroom hours.~~

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ii. ~~The minimum topics and texts included as part of the continuing education curriculum for purposes of renewing a 3A or 3B license shall include but may not be limited to:~~

- ~~1. MGL c. 146;~~
- ~~2. 520 CMR 6.00;~~
- ~~3. OSHA Standard 29 CFR 1926;~~
- ~~4. OSHA Standard 29 CFR 1910; and~~
- ~~5. ANSI B30.~~

d. ~~Class 4 (Specialty) Licenses:~~

- ~~i. The minimum number of continuing education hours required for renewal of a 4A license shall be eight (8) classroom hours.~~
- ~~ii. The minimum number of continuing education hours required for renewal of a 4B, 4C, 4D, 4E, 4F, 4G or 4H license shall be four (4) hours.~~
- ~~iii. The minimum topics and texts included as part of the continuing education curriculum for purposes of renewing a 4A, 4B, 4C, 4D, 4E, 4F, 4G, or 4H license shall include but may not be limited to:~~

- ~~1. MGL c. 146;~~
- ~~2. 520 CMR 6.00;~~
- ~~3. 520 CMR 14.00~~
- ~~4. OSHA Standards 29 CFR 1926;~~
- ~~5. OSHA Standards 29 CFR 1910;~~
- ~~6. ANSI B30;~~
- ~~7. MGL c. 82, §40~~
- ~~8. MGL c. 82A;~~
- ~~9. MGL c. 164, §76D; and~~
- ~~10. 220 CMR 99.00 (Dig Safe).~~

e. ~~Class 5 (Power Linemen Hoisting) Licenses:~~

- ~~i. The minimum number of continuing education hours required for renewal of a 5A license shall be twelve (12) classroom hours allocated as follows:~~
- ~~1. Backhoes: four (4) classroom hours;~~
 - ~~2. Drill Rigs: four (4) classroom hours; and~~

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~~3. Cranes: four (4) classroom hours.~~

~~ii. The minimum topics and texts included as part of the continuing education curriculum for purposes of renewing a 5A license shall include but may not be limited to:~~

- ~~1. MGL c. 146;~~
- ~~2. 520 CMR 6.00;~~
- ~~3. 520 CMR 14.00;~~
- ~~4. OSHA Standards 29 CFR 1926;~~
- ~~5. ANSI B30;~~
- ~~6. MGL c. 82, §40;~~
- ~~7. MGL c. 164, §76D; and~~
- ~~8. 220 CMR 99.00 (Dig Safe).~~

~~(e) List of Instructors. Each program must provide a list including the names and Massachusetts hoisting machinery license numbers of all in-service training program instructors employed by the company. Names and applicable license numbers of instructors shall be updated by the company supervisor within 14 days of the employment or the cessation of employment of an instructor by a facility on a form furnished by the Department.~~

~~The Department shall issue a certificate of approval for In-Service Training programs. Approval shall be contingent upon having a Massachusetts Hoisting License holder in the applicant company's employ.~~

~~(35) Requirements for Company Licenses.~~

~~(1) Facilities shall issue a Company License (provided on a standard form by the Department) to those who satisfactorily complete an In-Service Training program and pass an examination. Company Licenses shall contain the following information:~~

- ~~a. Name of company licensee;~~
- ~~b. Address of company licensee;~~
- ~~c. E-mail address of company licensee;~~
- ~~d. Name and address of the institution or organization providing the In-Service Training program;~~

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~~(4)e.~~ A ~~The printed name and legible signature~~ legible signature of a Massachusetts Hoisting Licensee verifying participant has completed the ~~i~~n-~~s~~Service ~~t~~Training program ~~and passed the required examination; and~~

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f. The License number of the Licensee endorsing the eCompany License.

~~(5)g.~~ A photograph of the company Licensee.

~~(g)~~ (46) Exempt Companies that are approved to conduct ~~i~~n-~~s~~Service ~~t~~Training programs shall keep uniform records of company Licensees and have those records readily accessible to Inspectors of the Department upon request for a period of 3 years ~~and have those records readily accessible to i~~nspectors of the Department upon request. They shall be responsible for the security and retention of all uniform Company Licenses and the proper issuance thereof. Instructors shall verify by signature that participants in ~~i~~n-~~s~~Service ~~t~~Training programs have satisfactorily completed the necessary training.

~~(5h7)~~ Falsification of Documents. The falsification of attendance records or fraudulent issuance of Company Licenses by any Massachusetts hoisting Licensee shall be grounds for initiating formal proceedings under M.G.L. c. 146 section 59 and c. 30A and may also be grounds for the immediate revocation or suspension of the approval to issue eCompany Licenses.

~~(6i8)~~ Approval for any ~~i~~n-~~s~~Service ~~t~~Training program shall be valid for 2 years from the date of issuance.

~~6.0840:~~ Operating Procedures for Hoisting Machinery ~~Operating Procedures~~

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(1) All hoisting machinery shall be operated in accordance with the manufacturer's specifications. Prior to operation, the operator shall perform the following:

- (a) Maintenance. Maintenance, repair and refueling shall be done when the machine is inoperable and secure.
- (b) Required Inspections. Visual inspection shall be made daily of wire ropes, bearings, gears, friction clutches, brakes, chain drives and other parts subject to wear on all hoisting equipment Machinery to ensure against development of unsafe conditions. A daily log sheet in accordance with 29 CFR 1926 and 29 CFR 1910 inspectional methods shall be available to the Department during the useful life of the machine.
- (c) Additional Requirements.

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(1) ~~A~~ written and signed record of all inspections shall be kept with the Hoisting Machinery and made available at the site for examination by the Department that conforms with the requirements of 29 CFR 1926.1412.

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- (2) Prior to starting any Hoisting Machinery, the operator must make a complete walk -around of the equipment to verify people are clear of the equipment, and that it is in a safe condition.
- (3) The operator shall not engage in any practice that will divert their attention while engaged in operating the Hoisting Machinery.
- (4) At no time shall the operator of Hoisting Machinery operate or be required to operate the Hoisting Machinery beyond its rated capacity without the manufacturer's written approval which shall include a new chart showing the new limitations. Other than assembly/disassembly, the use of the load moment indicator override key or the entering of false crane set-up criteria to increase rated capacity is strictly forbidden.
- (5) The operator shall operate Hoisting Machinery only when fully attentive. The operator shall not operate the equipment erratically and/or under the influence of alcohol or drugs. When an operator is physically or mentally unfit, the operator shall not operate Hoisting Machinery. ~~The operator shall operate only when fully attentive. Operators shall not operate equipment erratically and/or under the influence of alcohol or drugs.~~
- (36) Prior to operating Hoisting Machinery with a rotating superstructure, safety procedures such as but not limited to: the erection of barricades, warning lines or other procedures shall be used to prevent entry into the swinging superstructure's radius. ~~Prior to operating hHoisting equipment Machinery with a rotating superstructure, safety procedures such as the erection of barricades, warning lines or other approved procedures shall be used to prevent entry into the swinging superstructure's radius.~~
- (47) All controls shall be tested by the operator prior to operating the hHoisting equipmentMachinery. If any controls are found to be functioning improperly, ~~any repairs shall be made by a qualified person~~ in accordance with manufacturer's requirements prior to the equipment being used ~~operation of the Hoisting Machinery, the operator shall adjust or repair the controls before the equipment is used.~~
- (5) ~~—~~ Prior to starting any hHoisting equipmentMachinery, the operator must make a complete walk -around of the

~~equipment to verify people are clear of the equipment, and that it is in a safe condition.~~

- (68) Operators shall respond only to signals given by a ~~s~~Signal ~~p~~Person except in emergency situations.
- (79) If a warning signal is furnished by the operator, it shall be sounded each time before traveling, and intermittently during travel particularly when approaching people.
- (10) The operator shall be responsible for those operations under ~~his~~their direct control. When there is any doubt as to the safety of any action, the operator shall have the authority to stop and refuse to handle loads until safety has been assured.
- (811) When there is any doubt as to the safety of any action, the operator shall have the authority to cease operation of equipment until safety has been assured.
- (912) The operator is responsible for securing any unattended ~~h~~Hoisting ~~equipment~~Machinery in accordance with applicable Standards.
- (4013) If power fails during operation of any ~~h~~Hoisting ~~equipment~~Machinery, the operator shall secure the machine and comply with 520 CMR 6.XX prior to leaving the equipment. When practical, suspended loads shall be landed under brake control.
- (414) At no time shall persons work under a boom or a load suspended thereon.
- (4215) All manufacturer's load charts and operation manuals shall be kept in the ~~h~~Hoisting ~~equipment~~Machinery.
- (16) All applicable power line clearances shall be maintained.
- (17) Hoisting Machinery equipped with outriggers/stabilizers shall be used, with adequate blocking, according to manufacturer's specifications.
- (1318) Dig Safe. Prior to any excavation, Dig Safe and other utilities not covered by Dig Safe must be notified. The operator must have a Dig Safe permit number, start date, and time.

~~Prior to any excavation, DIG SAFE and other utilities shall be notified. The operator shall verify the DIG SAFE number prior to beginning operations.~~

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6.0911: Special Requirements for Cranes, Derricks, Pile Drivers, Excavating Machines, Fork Lifts, and Hoists

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The operator shall not operate the hoisting machinery unless the following requirements are met:

Special Requirements for Cranes

(1) Loading. Material moving, handling or hoisting equipment shall be loaded in accordance with the manufacturer's specifications. Manufacturers' load-rating plates or applicable load charts shall be kept in the cab of the crane in clear view of the operator. Rating plates or load charts for boom cranes shall clearly indicate the safe load for maximum and minimum positions of the boom and for at least two intermediate positions. The procedures applicable to the operation of the equipment, including instructions, recommended operating speeds, special hazard warnings, and Operator's Manual, must be readily available in the cab at all times for use by the operator. Where rated capacities are available in the cab only in electronic form: In the event of a failure which makes the rated capacities inaccessible, the operator must immediately cease operations or follow safe shut-down procedures until the rated capacities (in electronic or other form) are available.

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(2) Boom Stops. Devices to prevent the boom from falling over backward shall be provided on cranes. Cable boom stops by themselves shall not be considered as adequate for this purpose.

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(3) Speed Controls and Stops. Hoisting equipment operating on rails, tracks or trolleys shall be equipped with speed controls and shall have positive stops or limiting devices to prevent overrunning safe limits.

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Equipment Modifications. Any modification made to hoisting machinery shall maintain at least the same factor of safety as the original designed equipment. A record of the differences between the unmodified machinery and the modified machinery shall be maintained by the owner of the machinery and furnished to the Department upon request. All modifications shall be done with the manufacturer's written approval. or if the manufacturer's written approval cannot

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~~be obtained, the owner shall have a professional engineer create and certify a procedure and shall notify the Department in writing of the new procedure which shall be added to the permanent record of the equipment.~~

~~(4)~~

(5) Protection of Operator. The operator of material handling and moving equipment when exposed to overhead hazards or the elements shall be protected with a cab or equivalent covering affording adequate protection but which shall not cut off his vision of the load movements. All windows in cabs shall be of safety glass, or equivalent, that introduces no visible distortion that will interfere with the safe operation of the machine.

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(6) Required Presence. Operators of material moving, handling or ~~h~~Hoisting equipment ~~Machinery~~ shall remain at the controls while the load is suspended, except in cases where loss of power occurs in which case operators shall act pursuant to ~~520 CMR 6.0708(1)(c)(4-13)~~. The operator of the machine shall not leave the machine while the master clutch is engaged.

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(7) Erection or Dismantling. Crane erection or dismantling shall be performed in accordance with the manufacturer's specifications and 29 CFR 1926, under the supervision of his representative or other persons experienced in erection and/or dismantling of this type of equipment. The attachments used with cranes shall not exceed the capacity, rating or scope recommended by the manufacturer.

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(8) Factor of Safety. All parts of the crane and supports shall be designed, constructed and maintained to withstand all stresses resulting from intended use with a safety factor of not less than 2.0.

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(9) Capacity Schedule/Load Charts. Each crane model shall contain a schedule of load capacities in the operator's station at all times.

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(10) Tower Crane Foundations. Tower crane foundations must be designed by the manufacturer or a registered professional engineer.

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(11) Wind Speed. Wind speed must not exceed manufacturer's recommendations for continued work operations.

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(12) Tower Crane Safety Devices. All required safety devices for tower cranes must be installed and properly functioning.

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(13) Tower Crane operational Aids. All required operational aids for tower cranes must be installed and functioning properly or approved temporary alternative measures in place.

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Special Requirements for Derricks

Required Inspection. Guys, cable clamps and other rigging shall be visually checked by the operator at the beginning of each work day and before making any lifts that are near the capacity of the rig or as otherwise required by the manufacturer.

Frequent checking by a duly licensed person of lead cables and mast foot blocks shall be performed to ensure that cables are not crossed or fouled. Lead line blocks shall be checked frequently to ensure that they are properly secured. Leads shall be so arranged as to minimize tripping hazards.

Special Requirements for Pile Drivers.

(1) Inspection. All pile driving equipment shall be inspected daily before the start of work by a licensed operator of the equipment and all unsafe conditions and defective parts shall be corrected before beginning operations.

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(2) Driver Not in Use. When the pile driver is not in use, the hammer shall be chocked or blocked in the leads or lowered to the ground.

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(3) Temporary Interruption. The operator of every pile driver shall remain at his post when the driving is interrupted until the hammer has been chocked or blocked in the leads, or has been lowered and is resting on a driven pile or on the ground.

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(4) Jib Attachment. Pile drivers shall not be used with a jib attached.

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(5) Stop Blocks. Stop blocks shall be provided for the leads to prevent the hammer from being raised against the head block.

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Special Requirements for Fork Lifts.

Only a duly licensed operator or a Apprentice Licensee under the direct supervision of a duly licensed operator shall operate a Fork Lift. No Fork Lift shall be loaded beyond its capacity rating.

(1) Brakes. Every power operated Fork Lift shall be equipped with adequate wheel brakes.

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(2) Operation. No Fork Lift shall be operated at unsafe speeds. No person except a duly licensed operator or Apprentice Licensee under the direct supervision of a duly licensed operator shall be permitted on a Fork Lift while it is in operation.

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Special Requirements for Excavating Machines, including backhoes and frontend loaders.

~~— Dig Safe. Prior to any excavation, Dig Safe and other utilities not covered by Dig Safe must be notified. The operator must have a Dig Safe permit number, start date, and time. Dig Safe. Prior to any excavation, Dig Safe and other utilities must be notified.~~

(1)

(2) Protection of Operator. Where the operator of an excavating machine may be exposed to the elements or overhead hazards, a suitable equipped cab for protection against such conditions shall be provided.

(3) Operation. Excavating machines shall be operated by a Licensee, Temporary Permit Holder, or an Apprentice Licensee under the direct supervision of a duly licensed operator. ~~S.A.E.SAE~~ hand signals shall be used with excavating machinery. No person except the operating crew or ~~a~~ Apprentice Licensee operating under the direct supervision of a duly licensed operator shall be permitted on an excavating machine while it is in operation. No person other than the pitman and excavating crew shall be permitted to stand within ~~the full working radius of an excavator or backhoe range of the back of an excavator or backhoe or within range of the swing of the bucket~~ while the shovel or backhoe is in operation. Excavating machinery shall not be allowed to straddle an open trench.

~~6.091042:~~ Classification of Licenses; Qualifications~~Classification of Licenses; qualifications~~

(1) CLASS 1 - HOISTING

(a) 1A Prerequisites:

1. The applicant shall meet the prerequisites as listed in 520 C.M.R.CMR 6.02.
2. The applicant shall display knowledge of the crane operator NIOSHOSHA —hand signals.
3. The applicant must be able to read and comprehend load charts and —manufacturer’s specifications.

(b) 1A Operators may operate:

1. ~~Operation of all~~All friction clutch machines and all derricks (including guy derricks, stiff legs, Chicago booms, gin poles);
2. Lattice boom machinery and may also require a 3A License in accordance with 6.09 (3)(a);
3. All wire rope machines;
4. All equipment listed in classes 1B ~~and~~ 1C, and 1D;

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(c) 1B Prerequisites:

~~1.~~ The applicant must meet the prerequisites as listed in 520 ~~C.M.R.CMR~~ 6.02. The applicant shall display knowledge of the crane operator hand signals. The applicant must be able to read and comprehend load charts and manufacturers specifications.

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(d) 1B Operators may operate:

1. All equipment having telescoping boom and wire rope;
2. All equipment listed in class 1C and class 1D;

(e) 1C Prerequisites:

1. The applicant must meet the prerequisites as listed in 520 ~~C.M.R.CMR~~ 6.02.
2. The applicant must be able to read and comprehend load charts and manufacturer's specifications.

(f) 1C Operators may operate:

1. Equipment with hydraulic telescoping booms and any other hydraulic equipment designed for the purpose of hoisting, excluding those with wire rope hoist lines; all equipment listed in class 1D.

(g) 1D Prerequisites: The applicant must meet the prerequisites as listed in 520 ~~C.M.R.CMR~~ 6.02.

(h) 1D Operators may operate:

1. General industrial warehouse ~~f~~Fork ~~L~~ift equipment primarily used in indoor facilities.

(2) CLASS 2 – EXCAVATING

(a) 2A Prerequisites:

1. The applicant must meet the prerequisites as listed in 520 ~~C.M.R.CMR~~ 6.02.
2. Knowledge of hand signals for controlling crawler/excavator operations

(b) 2A Operators may operate:

1. All crawler and rubber tired excavators and backhoes ~~10,000 pounds and over~~;
2. Equipment listed in classes 2B, 2C -and ~~2E~~2D;

(c) 2B Prerequisites:

1. The applicant must meet the prerequisites as listed in 520 ~~C.M.R.CMR~~ 6.0302.

2B Operators may operate:

1. Combination loader/backhoe machines ~~10,000 pounds and over~~;
2. Equipment listed in Class 2C and class 2D;

(d) 2C Prerequisites:

1. The applicant must meet the prerequisites as listed in 520 ~~C.M.R.-CMR~~ 6.0302.

2C Operators may operate:

1. Front end loaders;
2. ~~Uni loaders~~ Equipment listed in Class 2D
3. ~~Skid Steer loaders 10,000 pounds and over~~

(e) 2D Prerequisites:

1. The applicant must meet the prerequisites as listed in 520

~~CMR~~ 6.032.

2D Operators may operate:

~~1. Compact Hoisting Machinery and compact equipment Skid Steer loaders under over 10,000 pounds with a gross vehicle weight not exceeding 10,000 pounds, excluding Class 1, Class 3, and Class 4 Hoisting Machinery as listed in 520 CMR 6.10.~~

2. Compact equipment.

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(3) CLASS 3 – TOWER/ELECTRIC AND AIR.

(a) 3A Operators Prerequisites:

1. The applicant must meet the prerequisites as listed in 520 ~~C.M.R.-CMR~~ 6.0302.
2. The applicant must be able to read and comprehend load charts and manufacturer's specifications.

(b) 3A Operators may operate:

1. Tower – Derricks and Self-erecting Tower Cranes
2. Persons holding a 1A3A may also operate a tower/derrick crane.

(c) 3B Operators may operate: – Electric driven overhead hoists

(d) 3C Operators may operate: – Air Driven hoists

(4) CLASS 4 - SPECIALTY. Operators may operate the equipment listed in 4(a)-(g) below:

- (a) 4A: 4B- 4G
- (b) 4B: Drill Rigs
- (c) 4C: Pipeline Side booms
- (d) 4D: Concrete Pumps
- (e) 4E: Catch Basin Cleaner
- (f) ~~4F: Sign Hanging Equipment~~
- (g) 4G: Specialty Lawn Mower

(5) ~~CLASS 5 – Power lineman Hoisting License~~

~~(a) Operators with this class of license may operate hoisting equipment listed in (5)(b), below, while engaged in the employment of an electrical utility company~~

or subcontractor servicing electrical utilities.

(b) 5A Operators may operate the following equipment owned by their employer:

- 1. Backhoes
- 2. Drill rigs (used for utility poles)
- 3. Cranes with telescoping booms with cable

6.131011: -Operation of Hoisting Machinery: Accident Reporting
Special Requirements for All Operation of Hoisting Machinery: Accident Reporting

(1) Operators of ~~h~~Hoisting ~~m~~Machinery shall cease operating if ordered by the Department to do so. Conditions which shall warrant immediate cessation

of operation may include but not limited to:

- (a) ~~A fatality or s~~Serious ~~i~~Injury; or
- (b) ~~Failure to use a protective system or safeguard in accordance with this regulation or ineffective use of a protective system; or~~
- (eb) ~~Any other condition that constitutes a serious threat to life, limb, or property. Any condition that is necessary for the preservation of the public health or safety as determined by the Department Inspector.~~

(2) Operators of ~~h~~Hoisting ~~m~~Machinery shall immediately surrender their ~~h~~Hoisting ~~l~~icense or ~~T~~emporary ~~P~~ermit if ordered by the Department to do so pursuant to M.G.L. 146 §53.

(3) Any person found operating ~~h~~Hoisting ~~m~~Machinery without a ~~l~~icense, ~~T~~emporary ~~P~~ermit, ~~a~~pprentice ~~l~~icense or proper classification of ~~h~~Hoisting ~~l~~icense according to 520 ~~C.M.R.-CMR 6.XX-00 et seq.~~ shall immediately cease operating. Said person shall make his identity known to the Department with a valid government-issued form of photographic identification. motor vehicle driver's license.

(4) Serious Injury Notification/Investigation.

- (a) Notification. Any incident which results in Serious Injury, property damage, or any condition that is necessary for the preservation of the public health or safety at a site where Hoisting Machinery is operational must be reported by the Licensee operating the Hoisting Machinery or owner or owner's representative to the Department through the Department Incident Hotline at (508) 820-1444 within one (1) hour from the time that the incident occurred or was discovered. The Hoisting Machinery shall not be moved or dismantled from the site of the incident until the Department has investigated the incident and approval is granted by an Inspector. The only exception to this requirement is for preservation of life and property, the removal of injured persons or bodies or to permit the flow

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of emergency vehicles. The Hoisting Machinery and area surrounding the Hoisting Machinery shall not be disturbed, cleaned, or altered in any way that will impede the investigation. The Department shall investigate the incident pursuant to M.G.L. c. 146, §§53, 54A and 55.

~~Any sSerious iInjury or mMechanical fFailure at a site where hHoisting mMachinery is operational must be reported by the operator or owner or owner's representative to the Department through the Department Incident Hotline at (508) 820 1444 by the ILicensee operating the hHoisting mMachinery involved in the iInjury within one (1) hour from the time that the sSerious iInjury or mMechanical fFailure occurred or was discovered. The hHoisting mMachinery shall not be moved from the site of the sSerious iInjury until approval is granted by an Inspector. The only exception to this requirement is for preservation of life and property, the removal of injured persons or bodies or to permit the flow of emergency vehicles. The hHoisting mMachinery and area surrounding the hHoisting mMachinery shall not be disturbed, cleaned, or altered in any way that will impede the investigation. The Department shall investigate the incident pursuant to M.G.L. c. 146, §§53, 54A and 55.~~

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(b) **Investigation.** In the event that an incident occurs in accordance to the provisions of 6.11(4)(a), the Hoisting Machinery shall be immediately shut down and secured by the operator until an Inspector has completed an investigation. No person shall move or alter the incident scene or the Hoisting Machinery, except to remove the victim(s), until the Inspector has completed the investigation and determined that the Hoisting Machinery is safe. Incidents shall be reported within one (1) hour to the Department through the Department Incident Hotline at (508) 820-1444 and a written report shall be submitted to the Department within 48 hours. The Hoisting Machinery, operator, and owner of the Hoisting Machinery shall be accessible to the Department.

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1. In the event that a sSerious iInjury or mMechanical fFailure occurs as a result of a malfunction of hHoisting mMachinery or a sSerious iInjury results in major damage to the hHoisting mMachinery or any of its component systems, the hHoisting mMachinery shall be immediately shut down and secured by the operator until an Inspector has completed an investigation. No person shall move or alter the sSerious iInjury incident scene or

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the hHoisting mMachinery, except to remove the victim(s), until the Inspector has determined that the hHoisting mMachinery is safe. If a sSerious iInjury incident occurs as the result of the malfunction of the hHoisting mMachinery or a sSerious iInjury results in major damage to the hHoisting mMachinery or any of its component systems, the incident shall be reported to the Department through the Department Incident Hotline at (508) 820 1444 and a report shall be submitted to the Department within 48 hours.

2. In the event of a sSerious iInjury /mMechanical fFailure, the operator of the hHoisting mMachinery shall be responsible for securing the hHoisting mMachinery. The operator and owner of the hHoisting mMachinery shall be accessible to the Department

6.14112: Suspension, Revocation, and Appeals of Licensing, Certification, and Temporary Permitting

(1) Where the The Commissioner, Chief, or any Inspector determines that circumstances indicate the denial or immediate suspension or revocation of a License or Temporary Permit or Company certificate of approval to operate Hoisting Machinery is necessary for the preservation of the public health or safety, they may deny, revoke or suspend depending on the severity of the offense. Any License covered under 520 CMR 6.00 may be revoked or suspended for the following reasons:

- (a) False or misleading information on application for examination or License renewal.
- (b) Operating Hoisting Machinery under the influence of alcohol or drugs.
- (c) Failure to pay excise tax or other taxes.
- (d) Failure to report Accidents as required by the Department of Public Safety.
- (e) Failure to report a Serious Injury, as required by the Department of Public Safety.
- (f) Operating in an unsafe manner.
- (g) Failure to comply with any provision of this regulation;
- (h) Failure to comply with 520 CMR 14.00.
- (i) Failure to comply with M.G.L. c. 146, §§53-56.
- (j) The fraudulent or otherwise improper issuance of Temporary Permits.
- (k) The fraudulent or otherwise improper issuance of any Company License.

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~~and following a hearing held in accordance with M.G.L. c. 30A and 801 CMR 1.02~~

~~(2) Where the Chief or an Inspector or the Commissioner determines that circumstances indicate the immediate suspension or revocation of a License or Temporary Permit to operate hHoisting mMachinery is necessary for the preservation of the public health or safety, he may order such suspension or revocation pending the outcome of a hearing held in accordance with M.G.L. c. 30A and 801 CMR 1.02.~~

~~(3) A Licensee aggrieved by the action taken by the Commissioner, Chief or an Inspector, pursuant to Chapter 146, § 53 in suspending or revoking their License or Temporary Permit to operate hHoisting mMachinery may, within one appeal week, appeal from such decision to the Chief who shall appoint three iInspectors of the Department, or himself and two iInspectors, to act together as a board of appeal. The decision of a majority of the members of the board of appeal shall be final and may be appealed in accordance with M.G.L. c. 30A. All hearings will be held in accordance with M.G.L. c. 30A and 801 CMR 1.02. Any License covered under 520 C.M.R. 6.00 may be revoked or suspended for the following reasons:~~

~~(a) False or misleading information on application for examination or License renewal.~~

~~(b) Operating hHoisting mMachinery under the influence of alcohol or drugs.~~

~~(c) Failure to pay excise tax or other taxes.~~

~~(d) Failure to report accidents as required by the Department of Public Safety.~~

~~(e) Failure to report a fatality as required by the Department of Public Safety.~~

~~(f) Operating in an unsafe manner.~~

~~(g) Failure to comply with any provision of this regulation;~~

~~(h) Failure to comply with DIGSAFE laws and regulations.~~

~~(i) Failure to comply with M.G.L. c. 146, §§53-56.~~

~~(j) The fraudulent issuance of tTemporary pPermits.~~

~~(k) The fraudulent issuance of any Ceompany Llicense.~~

~~(4) Applicants for licensure applying for a License to operate hHoisting equipment Machinery following the revocation of a prior License to operate hHoisting equipment Machinery may at the discretion of the Chief, in consultation with the Commissioner, be reexamined in accordance with the provisions of 520 CMR 6.02(d) and (e).~~

~~(5) Applicants for licensure applying for a license to operate hoisting equipment following the suspension of a prior license to operate hoisting equipment may at the discretion of the Chief, in consultation with the Commissioner be reexamined in accordance with the provisions of 520 CMR 6.02~~

6.151213: Variance Procedure

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Variance.

(a) Any person who believes that full compliance with 520 CMR 6.00 is overly burdensome may apply to the Department for a variance from 520 CMR 6.00. The burden is on the applicant to demonstrate in writing to the Department that the granting of the variance would not compromise public safety or otherwise undermine the purpose of 520 CMR 6.00. Applications for a variance shall be made on a form provided by the Department for this purpose and shall contain such information as is required by the Department, and shall be signed by the applicant.

(b) Upon receipt of an application for a variance, the Commissioner, or his designee may:

1. Grant the application with whatever conditions are deemed appropriate; or
2. Deny the application without a hearing;

(c) Any person aggrieved by this decision may file a request for an adjudicatory hearing with the Department within 30 days of receipt of the decision. All adjudicatory hearings shall be held in accordance with the provisions of M.G.L. c. 30A and 801 CMR 1.02. Any person aggrieved by a decision made after an adjudicatory hearing may appeal to the Superior Court in accordance with M.G.L. c. 30A, § 14.

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REGULATORY AUTHORITY

520 ~~C.M.R.~~CMR 6.00: M.G.L. c. 146, 53 through 54A.

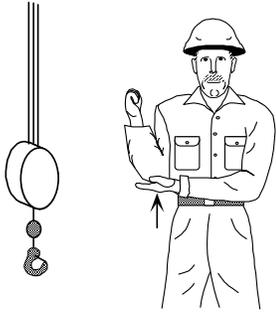
Appendix 1

CRANE HAND SIGNALS

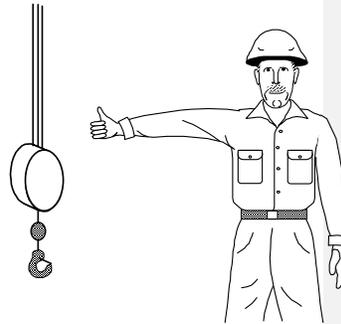
(a) 1. NIOSH-OSHA hand Signals for Crane Operation

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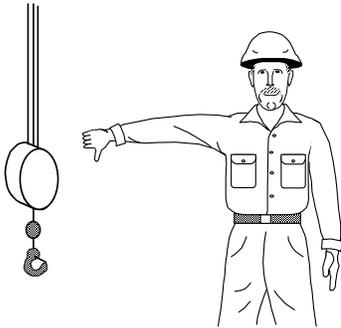
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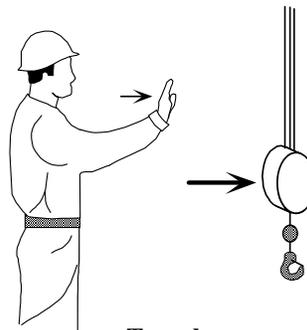
Use Whipline
 (Auxiliary hoist) Tap elbow with one hand then use regular signals



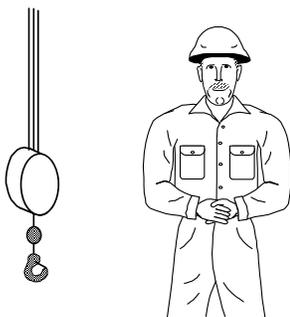
Raise Boom
 Arm extended, fingers closed, thumb pointing upward.



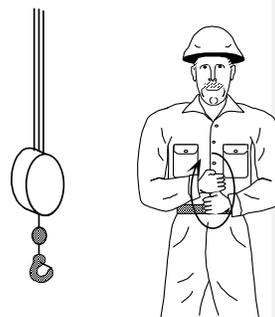
Lower Boom
 Arm extended, fingers closed, thumb pointing downward



Travel
 Arm extended forward, hand open and slightly raised, make pushing motion in direction of travel.

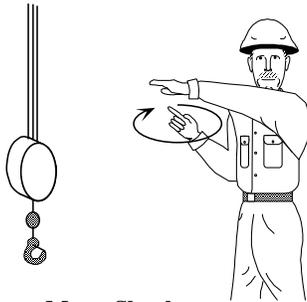


Dog Everything
 Clasp hands in front of body



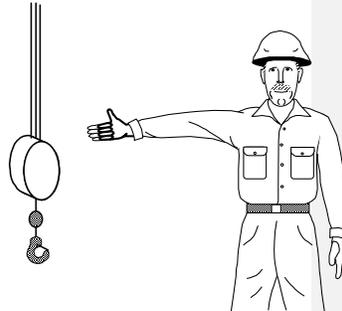
Travel
 (Both tracks) use both fists in front of body, making circular motion about each other, indicating direction of travel, forward or backward (for crawler cranes only)

(1) **NOSH-OSHA** Hand Signals for Crane Operation



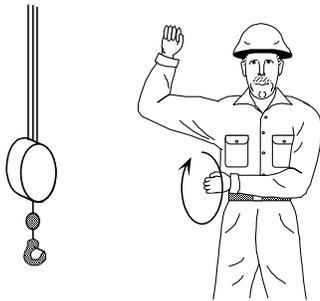
Move Slowly

Use one hand to give any motion signal and place other hand motionless in front of hand giving the motion signal (as shown)



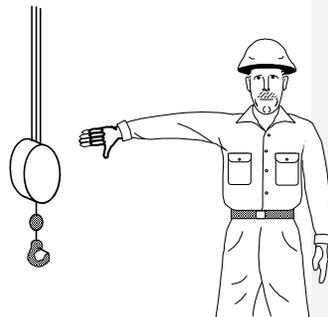
Raise The Boom And Lower The Load

With arm extended, thumb pointing up, flex fingers in and out as long as load movement is desired



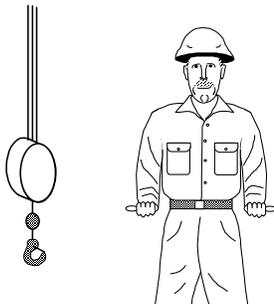
Travel

(one track) Lock the track on the side indicated by raised fist. Travel opposite track in direction indicated by circular motion of other fist, rotated vertically in front of body (for crawler cranes only)



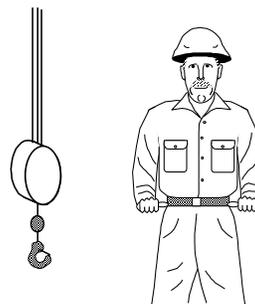
Lower The Boom And Raise The Load

With arm extended, thumb pointing down, flex fingers in and out as long as load movement is desired



Extend Boom

(Telescoping Booms) Both fists in front of body with thumbs pointing outward

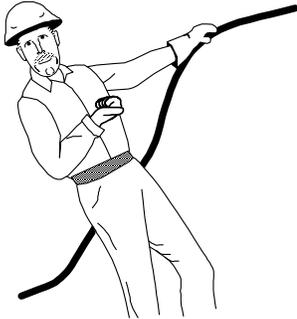


Retract Boom

(Telescoping Booms) Both fists in front of body with thumbs pointing toward each other.

6.08: continued

(1) **OSHA** Hand Signals for Crane Operation



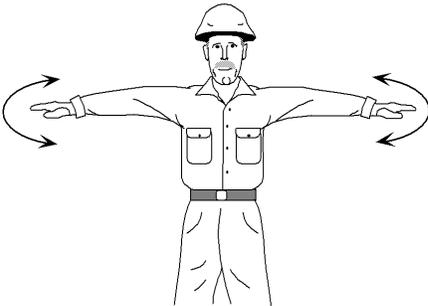
Retract Boom

(Telescoping Boom). One hand signal. One fist in front of chest, thumb pointing outward and heel of fist tapping chest



Extend Boom

(Telescoping Boom). One hand signal. One fist in front of chest with thumb tapping chest.



Emergency Stop

With both arms extended horizontally to the side, palms down, arms are swung back and forth.

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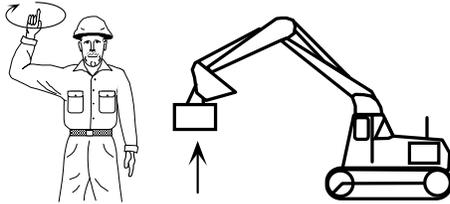
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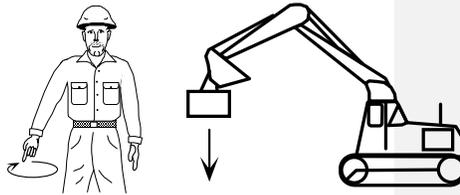
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Appendix 2
EXCAVATOR HAND SIGNALS

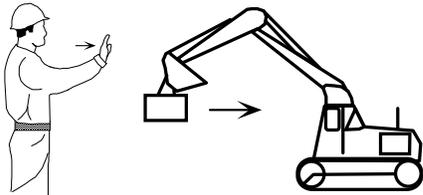
(2) SAE Crawler / Excavator Hand Signals



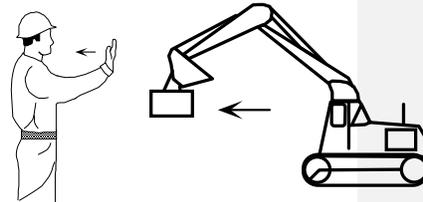
Raise Load Vertically
With forefinger vertical pointing up,
move hand in small horizontal circular motion



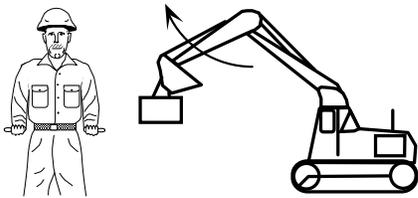
Lower Load Vertically
With forefinger vertical pointing down,
move hand in small horizontal circular motion



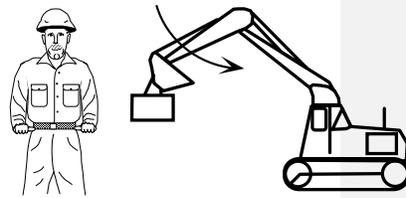
Move Load In Horizontally
With either arm extended, hand raised and open
toward direction of movement, move hand in
direction of required movement.



Move Load Out Horizontally
With either arm extended, hand raised and open
toward direction of movement, move hand in
direction of required movement.

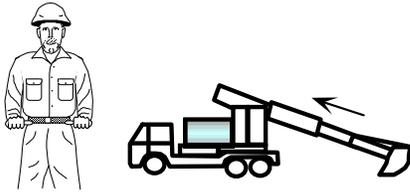


Move Arm Outward
With both hands clenched,
point thumbs outward



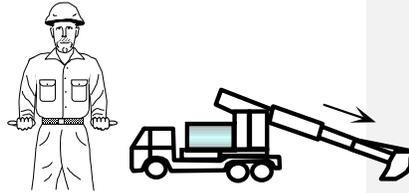
Move Arm Inward
With both hands clenched,
point thumbs inward

(2) SAE Crawler / Excavator Hand Signals



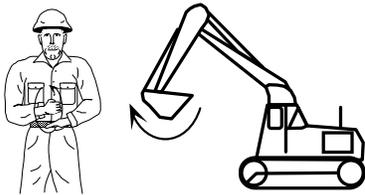
Retract Telescopic Boom

With both hands clenched, point thumbs in



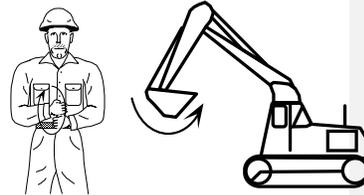
Extend Telescopic Boom

With both hands clenched, point thumbs out



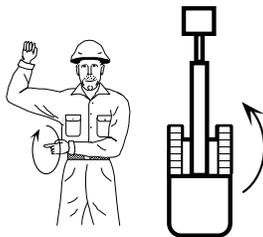
Open Bucket

Hold one hand open and stationary,
Rotate other hand in small vertical circle
with longfinger pointing horizontally at
open hand



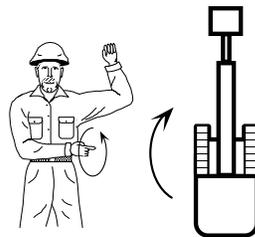
Close Bucket

Hold one hand closed and stationary,
Rotate other hand in small vertical circle
with longfinger pointing horizontally at
closed hand



Turn

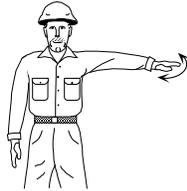
Raise forearm with closed hand indicating
inside of turn. Move other other hand in
circular motion point the direction of track
or wheel rotation.



Turn

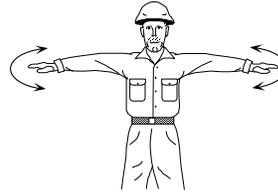
Raise forearm with closed hand indicating
inside of turn. Move other other hand in
circular motion point the direction of track
or wheel rotation.

(2) SAE Crawler / Excavator Hand Signals



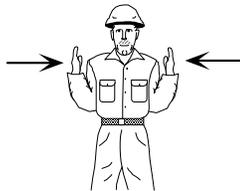
Stop

With either arm extended laterally, hands open downward, move arm back and forth



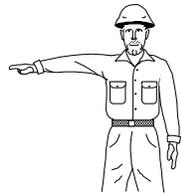
Emergency Stop

With both arms extended laterally, hands open downward, move arms back and forth



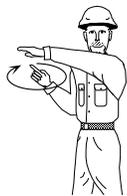
This Far To Go

With hands raised and open inward move hands laterally, indicating distance to go.



Swing (Left or Right)

With either arm extended horizontally point with forefinger to direction of swing rotation. (Swing left shown)



Move Slowly

Place one hand motionless in front of hand giving motion signal. (Raise load slowly is shown)

SAE Crawler / Excavator Hand Signals